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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 IRVINE UNIFIED SCHOOL DISTRICT,

13 Plaintiff,

14 v.

15 K.G., an adult student, ORANGE COUNTY
16 DEPARTMENT OF EDUCATION, and
CALIFORNIA DEPARTMENT OF EDUCATION,

17 Defendants.
18

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20 ORANGE COUNTY DEPARTMENT OF
21 EDUCATION,

22 Cross-Claimant,

23 v.

24 CALIFORNIA DEPARTMENT OF EDUCATION,
25

26 Cross-Defendant.
27
28

Case No. 2:10-cv-01431-JVS-MLG

JUDGMENT FOLLOWING REMAND

1 This action was heard by the Court on November 8, 2010, on the following Motions:

- 2 ·Plaintiff Irvine Unified School District's ("IUSD") Motion for Summary Judgment;
- 3 ·Defendant K.G., et al.'s Motion for Summary Judgment;
- 4 ·Defendant/Cross-Claimant Orange County Department of Education's ("OCDE")
- 5 Motion for Summary Judgment; and
- 6 ·Defendant California Department of Education's ("CDE") Motion for Summary
- 7 Judgment.

8 All parties appeared through counsel, as reflected by the record. On November 23, 2010, the
 9 Court issued an Order granting OCDE's, IUSD's and K.G.'s Motions, and denying CDE's Motion.
 10 The Court entered Judgment on November 30, 2010, and an Amended Judgment on December 6, 2010.

11 The CDE subsequently appealed the Order to the Ninth Circuit Court of Appeals. On January
 12 23, 2013, the Ninth Circuit issued its Decision, reversing and remanding. On October 21, 2013, the
 13 Court denied K.G.'s motion seeking attorney fees from IUSD relating to Office of Administrative
 14 Hearings ("OAH"), District Court and Ninth Circuit proceedings. In accordance with the Court's
 15 November 23, 2010 Order and the Ninth Circuit's January 23, 2013 Decision, the Court enters
 16 Judgment as follows:

- 17 (1) Judgment is entered in favor of OCDE, CDE and K.G. on IUSD's Complaint;
- 18 (2) Judgment is entered in favor of CDE on OCDE's Cross-Complaint;
- 19 (3) The Decision rendered by the administrative law judge following the November 30,
- 20 2009 hearing of the Office of Administrative Hearings ("OAH") in Consolidated Case Nos.
- 21 2009090943 and 2009100565 is hereby affirmed;
- 22 (4) IUSD was the entity entirely responsible for implementing and funding K.G.'s out-
- 23 of-state RTC placement, consistent with his individualized education program and all that it
- 24 encompassed, for the period of October 26, 2007 through May 3, 2010, when K.G. graduated from high
- 25 school. This obligation includes, but is not limited to, funding K.G.'s tuition and related services for
- 26 his out-of-state RTC placement at Daystar, as well as any transportation and visitation costs associated
- 27 with that placement;
- 28 (5) As of October 26, 2007, neither CDE nor OCDE had, nor has CDE or OCDE at any

1 subsequent time had, any obligation to implement or fund any portion of K.G.'s IEP that placed K.G.
2 in an out-of-state residential treatment facility, including his out-of-state RTC placement at the
3 residential treatment facility at Daystar;

4 (6) IUSD is ordered to refund to CDE \$34,308.14 which was previously paid by CDE
5 to IUSD in satisfaction of the Amended Judgment herein dated December 6, 2010;

6 (7) OCDE and CDE are prevailing parties for purposes of the underlying administrative
7 action and the instant appeal thereof;

8 (8) OCDE and CDE shall recover their reasonable costs of suit herein, not including
9 attorney's fees, against IUSD;

10 (9) CDE shall recover its reasonable costs of suit herein, not including attorney's fees,
11 against OCDE, as to OCDE's cross-complaint;

12 (10) This Court retains jurisdiction over the parties to the extent necessary to allow CDE
13 to obtain a refund from IUSD, as described herein.

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15
16 Dated: November 08, 2013

By: 

HON. JAMES V. SELNA
UNITED STATES DISTRICT JUDGE